

FREEMAN, NOOTER & GINSBERG  
ATTORNEYS AT LAW

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LOUIS M. FREEMAN  
THOMAS H. NOOTER\*  
LEE A. GINSBERG

75 MAIDEN LANE  
SUITE 907  
NEW YORK, N.Y. 10038

(212) 608-0808  
Cell: (917) 847-1361

\*NY AND CALIF. BARS

April 24, 2023

The Honorable Analisa Torres  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

Letter Motion

RE: United States v. Timothy Shea, et al., 20 Cr. 412 (AT)

Your Honor:

I represent Timothy Shea, one of the defendants in this case, having been appointed after trial but before sentence to replace the late Mr. John Meringolo.

I am writing again with great reluctance to request a postponement of the sentencing hearing date for Mr. Shea alone for a month or so, due to a new development in my health problems. I have consulted with AUSA Robert Sobelman on behalf of the government, who consents to the request for Mr. Shea's sentence to be postponed (but would like the other two cases to proceed on Wednesday); Mr. Kolfage's attorney, Cesar del Castro, and Mr. Badolato's attorney, Kelly Kramer, would also have no objection if the Court wants to keep the three proceedings together for them all to be postponed, but both of them are ready to go ahead with their clients if Mr. Shea's case is the only one adjourned.

In my previous request of April 13, 2023 I noted that I have been suffering from an onset of heart issues that are unresolved. I did not go into great detail at the time, but the problem is that I have frequent and unpredictable atrial fibrillation which will come on suddenly and cause me to be very light-headed and dizzy, lose my focus, and sometime lose my balance. My cardiologist believes this is a result of having had covid-19 last summer. I have been going through a

series of diagnostic procedures without a full resolution of what needs to be done, but which I think will be resolved within the next few weeks.

After the Court denied the last application for an adjournment I thought I could probably push through and be prepared and be able to do the sentencing hearing, but last week I had a problem. I passed out on the subway on my way to a case in Brooklyn and was taken to the ER and then admitted to the hospital. I was discharged late Friday afternoon and during the weekend was feeling somewhat better, but now the problems have returned. The hospital doctors concluded that atrial fibrillation coupled with some other problems (like out of balance medications perhaps and hypothyroid syndrome) caused the fainting incident.

I am seeing my cardiologist at 5:00 p.m. today to figure out what the next treatment steps will be, but based on what they told me at the hospital I don't think the problem is going to be resolved for at least some weeks. The other trial I was preparing for (which I referenced in my last application) was postponed to May 8th because of this, but it seems unlikely that I will stay in that case (I have a co-counsel in that case who is looking for another attorney to take my place).

I wish to add that my client is very concerned that I will not be able to give him and his case the time and attention that is necessary for effective representation, and also would urge the Court to grant us some additional time.

I thank the Court in advance for Your Honor's attention to this request.

Sincerely,

/s/ Thomas H. Nooter

Thomas H. Nooter

Attorney for Defendant Shea

cc: AUSAs Robert B. Sobelman and Mollie Bracewell, by ECF  
Cesar de Castro, Esq., Attorney for Brian Kolfage, by ECF  
Kelly B. Kramer, Esq., Attorney for Andrew Badolato, by ECF  
USPO Christopher F. Paragano, by email